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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 UNITED STATES OF AMERICA, ) CASE NO. CR10-340 MJP  
08 Plaintiff, )  
09 v. ) DETENTION ORDER  
10 GORDAN DONALD GAZAWAY, )  
11 Defendant. )

12 \_\_\_\_\_ )  
13 UNITED STATES OF AMERICA, ) CASE NO. CR21-074 RSL  
14 Plaintiff, )  
15 v. )  
16 GORDAN DONALD GAZAWAY, )  
17 Defendant. )

18 There are charges pending against defendant in two separate cases in this court. This  
19 order directs that he be detained in each of the cases.

20 Defendant was sentenced in 2010 for possession of visual depictions of minors  
21 engaged in sexually explicit conduct. After serving a term of imprisonment, he began a term  
22 of supervised release. He was reprimanded for alcohol use; his computer was removed after

01 he admitted to viewing pornographic material; and when that occurred a second time, the  
02 court revoked his term of supervised release, imposed three days of imprisonment, and again  
03 imposed a term of supervised release. The USPO now charges him with four recent  
04 violations of supervised release, including viewing pornographic material once again, and  
05 seeks another revocation. Defendant has denied the alleged violations, and is awaiting an  
06 evidentiary hearing.

07 The Indictment in the recently filed case, CR21-074 RSL, charges defendant  
08 with one count of possession of child pornography.

09 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
10 based upon the factual findings and statement of reasons for detention hereafter set forth,  
11 finds that no condition or combination of conditions which defendant can meet will  
12 reasonably assure the safety of other persons and the community.

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14 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 15 (1) A presumption of detention applies in the case CR10-340MJP. Where a  
16 person is in custody on charges that he has violated conditions of supervised  
17 release, "...the burden of establishing by clear and convincing evidence that  
18 the person will not flee or pose a danger to any other person or to the  
19 community rests with the person." Fed. R. Crim. Proc. 32.1(a)(6).  
20 Defendant's showing falls far short of that standard. On the contrary, the  
21 record strongly suggests that he has possessed and viewed child pornography  
22 over a long period, and is likely to continue to do so.

01 (2) Defendant also has demonstrated a consistent pattern of failure to comply with  
02 supervision rules imposed by the court. The Pretrial Services Office  
03 recommends his detention. Defendant would be a very poor risk if released on  
04 conditions.

05 (3) The court should detain him as a danger to others. The government's showing  
06 is not sufficient, however, to find that defendant presents a significant flight  
07 risk.

08 (4) Because defendant must be detained in CR10-340 MJP, the issue of detention  
09 is moot in CR21-074 RSL, and will remain moot at least until the earlier case  
10 is resolved. Should that occur, defendant may raise the detention issue again.

11 (5) This order should be filed in both cases.

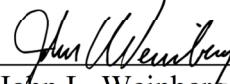
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13 It is therefore ORDERED:

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- 15 1. Defendant shall be detained pending trial and committed to the custody of the  
16 Attorney General for confinement in a correction facility separate, to the extent  
17 practicable, from persons awaiting or serving sentences or being held in custody  
18 pending appeal;
  - 19 2. Defendant shall be afforded reasonable opportunity for private consultation with  
20 counsel;
  - 21 3. On order of the United States or on request of an attorney for the Government, the  
22 person in charge of the corrections facility in which defendant is confined shall deliver

01 the defendant to a United States Marshal for the purpose of an appearance in  
02 connection with a court proceeding; and

- 03 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
04 for the defendant, to the United States Marshal, and to the United States Pretrial  
05 Services Officer.

06 DATED this 10th day of May, 2021.

07   
08 John L. Weinberg  
09 United States Magistrate Judge  
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